

Remarks

Claim Rejections – 35 U.S.C. § 112

Claims 1-8 were pending prior to this amendment. Claims 1-5 have been amended. Claims 6-8 are cancelled without prejudice. Claims 16-22 are new claims. Claims 1-5 and 14-22 are pending after this amendment. Claim 1 is an independent claim. No new subject matter is added. Reconsideration and allowance of the above-referenced application are respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Benjamin. As disclosed in the present application, Claim 1 line 9, claims “a drive system comprising a pair of rotating direction transmitting gears and a chain system.” While the Benjamin US 1,977,035 (035’) reference does teach the use of a chain and gear drive system it fails to claim or teach the use of rotating direction transmitting gears. Because there is no reference of rotating direction transmitting gears in the specification or the claims of the Benjamin 035’ patent, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(b) be withdrawn as to claim 1.

Claims 3 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Benjamin. More specifically, examiner states that the backward direction is arbitrary. As mentioned in the discussion above, the drive system of the current invention consists of rotating direction transmitting gears. When using this system it is essential that the pedals and crankshaft rotate in one direction, specifically a backwards direction because if allowed to rotate in a forward direction the drive system would not act to apply force to the rear wheel in a manner consistent with moving the bicycle. The direction of crank rotation is not arbitrary, due to the function of the crank in relation to the direction of motion of the bicycle. Therefore, while the Benjamin 035’ patent does not reference the direction of travel, one skilled in the art could

investigate Benjamin 035' and understand that in order for the invention to function in the manner described, the crank necessarily needs to travel in the forward direction and in contrast, the crank in our invention necessarily needs to travel in the backward direction for use. Applicant respectfully requests that the rejection under 35 U.S.C. § 102(b) be withdrawn as to claim 3.

Claim Rejections – 35 U.S.C. § 103

Claim 2 is being rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Benjamin 035' in view of Geschwender US 5,630,774 (774'). Benjamin 035' and Geschwender 774' do not describe or suggest features recited in claim 2. Geschwender 774' flanges 81A and 81B act as support struts, necessary to connect the pedals 80A and 80B to the rear pivot arm 90A and 90 B. The aforementioned flanges have a function as a connecting means; in the present application the vertical foot slip protectors have a sole purpose, to protect the user from injury. Geschwender 774' teaches a different function for the side panels of the pedals, therefore they teach away from using the sides as protection against foot slipping. Since Benjamin 035' does not describe or suggest the use of a vertical foot-slipping protect flange and since Geschwender 774' describes 81A and 81B as support struts and not a means to provide safety to the user, neither Benjamin 035' nor Geschwender 774' describe or suggest features recited in claim 2. Accordingly, claim 2 should be allowable.

Claims 4 and 5 are being rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Benjamin 035' in view of Mertesdorf US 5,137,501 (501'). Benjamin 035' and Mertesdorf 501' do not describe or suggest features recited in claims 4 and 5. In Benjamin 035' there is no use of a reduction gear system. In Mertesdorf 501' the sprockets interconnect the cranks. This system utilizes a chain means to connect the sprockets and cranks. Mertesdorf 501' teaches that a drive system can be utilized by the use of a chain. In the present application the inventor describes the drive system as using direct meshing of the gears to produce torque to the wheels. Additionally, Mertesdorf 501' uses a multi chain sprocket drive system to drive a resistance wheel. It can be understood by one skilled in the art that the torque requirements for a resistance wheel are significantly different from those of a bicycle. Therefore, the direct meshing

gear system will be able to transfer the torque more efficiently to the wheel than if using a multi chain and crank system as described in Mertesdorf 501'. Since Benjamin 035' does not describe or suggest the use of any reduction gear system and since Mertesdorf 501' utilizes a chain means to connect the sprockets and cranks, which would be considered inferior to a direct meshing system, neither Benjamin 035' nor Mertesdorf 501' describe or suggest features recited in claims 4 and 5. Accordingly, claims 4 and 5 should be allowable.

Regarding Claim 6 as being rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Hu US 5,382,208 (208'). Applicant does not wish to prosecute Claim 6 is therefore canceled.

Regarding Claim 7 as being rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu 208' in view of Qui US 6,843,758 (758'). Applicant does not wish to prosecute Claim 7 is therefore canceled.

Regarding Claim 8 as being rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu 208' in view of Mallin US 3,735,981 (981'). Applicant does not wish to prosecute Claim 8 is therefore canceled.

CONCLUSION

In view of the amendments and remarks herein, claims 1-8 are in condition for allowance and notice of allowance is respectfully requested. The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, the arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

Respectfully submitted,

By 

Ronald Fallatt Jr.
Reg. No. 58,298
Tel.: (949) 374-3431